

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 22

December 14, 2016

SUBJECT: **LEGAL PROCESS FOR RELEASE OF BOOKED PROPERTY – REVISED; LEGAL PROCESSES LOG – REVISED; AND, COURT ORDERED NARCOTIC EVIDENCE SPLITS – RENAMED AND REVISED**

PURPOSE: Currently, the Department Manual only addresses evidence splits of narcotics evidence, and does not address the many types of other evidence subject to release or split by court order. This Order expands and clarifies the procedures for the release of booked property due to a legal process.

This Order revises Department Manual Sections 3/425.15, *Legal Process for Release of Booked Property*, 3/425.20, *Legal Processes Log*, and renames and revises 4/560.05, *Court Ordered Narcotic Evidence Splits*.

PROCEDURE:

- I. LEGAL PROCESS FOR RELEASE OF BOOKED PROPERTY – REVISED.** Department Manual Section 3/425.15, *Legal Process for Release of Booked Property*, has been revised and is attached with the revisions indicated in italics.
- II. LEGAL PROCESSES LOG – REVISED.** Department Manual Section 3/425.20, *Legal Processes Log*, has been revised and is attached with the revisions indicated in italics.
- III. COURT ORDERED NARCOTIC EVIDENCE SPLITS – RENAMED AND REVISED.** Department Manual Section 4/560.05, has been renamed *Court Ordered Evidence Splits*, and is attached with the revisions indicated in italics.

AMENDMENTS: This Order amends Sections 3/425.15, 3/425.20, and 4/560.05 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachments

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME III
Revised by Special Order No. 22, 2016

425.15 LEGAL PROCESS FOR RELEASE OF BOOKED PROPERTY. An employee accepting a legal process, "Notice of Garnishment," "Writ of Attachment," "Writ of Execution," "Order to Withhold," or "Notice of Levy" concerning booked property shall immediately forward the document to the Assistant to the Director, Office of Special Operations.

Note: The Assistant to the Director, Office of Special Operations, shall notify *the Commanding Officer, Property Division*, of an impending release of property described in a legal process. *The Commanding Officer, Property Division, shall request authorization for the release of booked property from the concerned investigating officer's commanding officer of the impending release of evidence via an Intradepartmental Correspondence, Form 15.02.00. The legal process shall be delivered to the Commanding Officer, Forensic Science Division, once authorization has been obtained from the concerned investigating officer's commanding officer.*

In the event of a conflict, the Assistant to the Director, Office of Special Operations, shall have the final decision on whether to release any property or whether to seek a legal stay of execution.

425.20 LEGAL PROCESSES LOG. Legal Affairs Division, Discovery Section, personnel shall enter the following information in a Legal Processes Log: *the type of process, date and time, where served, person(s) affected, investigative unit handling and person notified, and such other information as may be pertinent.*

Exception: *Property Division will keep a Legal Processes Log relating to their area of responsibility.*

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 22, 2016

560.05 COURT ORDERED EVIDENCE SPLITS. An authorized representative from a private laboratory, in possession of a court order requesting *an evidence sample, or portion of an evidence sample* from this Department, shall normally present the court order to the Property Claims Officer, Property Division, during the hours of 0830 to 1200 (*Department Manual Section 3/425.10*).

Property Claims Officer's Responsibilities. When presented with a court order requesting the release of, *or portion of, an evidence sample split* which is of evidentiary value, the Property Claims Officer shall inspect it to determine that:

- The court order is stamped with an official seal and filed with the concerned court;
- The court order bears the signature of the issuing judge; *and,*
- The court order describes the case by LAPD DR number, date of arrest, booking number, name of defendant and the name and business address of the defendant's attorney.

If the court order appears valid, the Property Claims Officer shall:

- Immediately forward the court order to the *Commanding Officer, Property Division;*
- *Enter the following information in a Legal Processes Log: the type of process, date and time, where served, person(s) affected, investigative unit handling and person notified, and such other information as may be pertinent; and,*
- Advise the private laboratory representative of the anticipated date and time the *evidence sample* will be available.

Note: When the validity of the court order appears questionable, the process server shall be referred to the *Commanding Officer, Legal Affairs Division*, who will make the determination to accept or refuse the court order.

Property Division Commanding Officer's Responsibilities. Upon receiving a valid court order from the Property Claims Officer, the *Commanding Officer, Property Division*, shall:

- Authorize the *split* by notifying *the concerned investigating officer's commanding officer of the impending split of evidence via an Intradepartmental Correspondence, Form 15.02.00 (Department Manual Section 3/425.15); and,*
- Cause the court order to be delivered to the Commanding Officer, Forensic Science Division (FSD), *once authorization has been obtained from the concerned investigating officer's commanding officer.*

Forensic Science Division, Commanding Officer's Responsibilities. Upon receiving a valid court order from the Commanding Officer, Property Division, the Commanding Officer, FSD, shall notify the FSD Criminalistics Laboratory Director or his or her designee of the court ordered evidence split in order to assign the task to an FSD analyst.

Forensic Science Division Analyst's Responsibilities. Upon receiving *an authorization to complete the split*, the FSD analyst shall review the court order. *The analyst shall ascertain if*

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 22, 2016

the evidence subject to split has been analyzed by FSD and if any additional testing is pending or required. If analysis is still pending, FSD will inform Property Division and the investigating and/or prosecuting entity that the evidence is not immediately available to be split. All efforts will be made to negotiate a reasonable time frame to complete the needed analysis and relinquish samples per the court order. In the event that the court order is confidential, FSD will only notify the prosecuting entity liaison, not the specific prosecutor or the investigator.

If there is no analysis pending on the evidence sample(s) requested for the sample split, then the analyst will be authorized to perform an evidence split.

Once authorized to release a portion of a sample of evidence, the analyst will remove the evidence from Property Division and shall:

- Make the evidence split;
- Record the following information *on the outer portion of the Department evidence package*:
 - Date the evidence was split;
 - Item number of evidence split;
 - Amount or weight of the sample split;
 - Analyst's serial number;
 - "per court order";
- *Include a copy of the court order inside the original evidence packages, and re-seal the evidence package; and,*
- *Seal the new split evidence package with red evidence seals, Form 10.12.07.*

Once the new split evidence package has been sealed with a red evidence seal, the analyst shall record the following information on the outer portion of the new Department evidence package containing the evidence split sample:

- Date the evidence was split;
- DR number;
- Item number;
- Amount or weight (if a controlled substance) of the sample split; and,
- Analyst's serial number.

After completion of the evidence split, the analyst shall:

- Document the split in accordance with their respective Unit methods and work instructions;
- Record the following information on a Follow-Up Investigation, Form 03.14.00:
 - Date the evidence was split;
 - Item number of evidence split;
 - Amount or weight (if a controlled substance) of the sample split;

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 22, 2016

- *Entity to which the court order specified the sample split is to be released; and,*
- *Return the split evidence package and the original evidence package to the Property Claims Officer for release of the split to the private laboratory representative.*

Note: When the *FSD analyst* determines that the concerned *evidence* has not previously been analyzed, he *or* she shall, in all cases, *ensure that routine analysis is completed prior to performing a split of any evidence*. If, after the standard analysis, there is not a sufficient *sample* remaining to provide a *split of evidence*, the *FSD analyst* shall inform the *Property Claims Officer*. The concerned private laboratory shall be so notified by the *Property Claims Officer*.